

Amendments to the Claims

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

Claim 1 (Currently amended). Seed of soybean variety XB04D04, representative seed of said soybean variety XB04D04 having been deposited under ATCC Accession No. [] PTA-6438.

Claim 2 (Original). A soybean plant, or a part thereof, produced by growing the seed of claim 1.

Claim 3 (Original). The soybean plant part of claim 2 wherein said part is pollen.

Claim 4 (Original). The soybean plant part of claim 2 wherein said part is an ovule.

Claim 5 (Original). A tissue culture of protoplasts or regenerable cells from the plant of claim 2.

Claim 6 (Original). A tissue culture according to claim 5, wherein cells or protoplasts of the tissue culture are obtained from plant tissue selected from the group consisting of: leaf, pollen, cotyledon, hypocotyl, embryos, root, pod, flower, shoot and stem.

Claim 7 (Currently Amended). A soybean plant regenerated from the tissue culture of claim 5 and having all the morphological and physiological characteristics of soybean variety XB04D04, representative seed of said soybean variety XB04D04 having been deposited under ATCC Accession No. [] PTA-6438.

Claim 8 (Original). A method for producing a progeny soybean plant comprising:

crossing the plant of claim 2 with a different soybean plant, harvesting the resultant soybean seed, and growing a soybean plant.